

IN RE: PETITION FOR ADMIN. VARIANCE
centerline of Spring Hill Road, 640 ft. E
centerline of Greenspring Valley Road
3rd Election District
2nd Councilmanic District
(2712 Spring Hill Road)

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-356-A

Robin Z. Bush
Petitioner

* * * * *

ORDER OF DISMISSAL

WHEREAS, the Petitioner herein filed a Petition for Administrative Variance for the property located at 2712 Spring Hill Road in the Owings Mills area of Baltimore County. An administrative variance was requested from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow the existing house to have a 10 ft. side yard setback in lieu of the required 35 ft. setback and to have a 53 ft. setback from the centerline of the road in lieu of the required 75 ft. setback, and to allow an addition to have a side yard setback of 6 ft. in lieu of the required 35 ft. setback.

WHEREAS, this office received a letter dated March 1, 2005 from the Petitioner's attorney, Michael R. McCann, Esquire, stating that the Petitioner was going to withdraw her petition for administrative variance. A copy of this correspondence is attached hereto and made a part hereof.

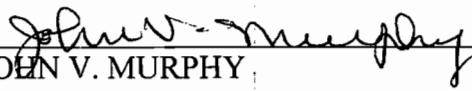
THEREFORE, IT IS ORDERED, this 7 day of March, 2005, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow the existing house to have a 10 ft. side yard setback in lieu of the required 35 ft. setback and to have a 53 ft. setback from the centerline of the road in lieu of the required 75 ft. setback, and to allow an addition to have a side

ORDER RECEIVED FOR FILING

DATE 3/7/05

BY Ray

yard setback of 6 ft. in lieu of the required 35 ft. setback, be and it is hereby WITHDRAWN and DISMISSED, without prejudice.


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
Date 3/7/05
By Raj

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

March 7, 2005

Michael R. McCann, Esquire
Funk & Bolton
Twelfth Floor
36 S. Charles Street
Baltimore, Maryland 21201-3111

Re: Petition for Administrative Variance
Case No. 05-356-A
Property: 2712 Spring Hill Road

Dear Mr. McCann:

Enclosed please find the Order of Dismissal regarding the above-captioned matter.

Very truly yours,

A handwritten signature in cursive script, reading "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Robin Z. Bush
2712 Spring Hill Road
Owings Mills, Maryland 21117





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at #2712 Spring Hill Road
which is presently zoned R.C. 2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1 A01.3 B. 3. To allow the existing house to have a 10' sideyard setbacks in lieu of the required 35' setbacks and to have a 53' setback from the centerline of the road in lieu of the required 75' setback.

To allow in addition to have a sideyard setback of 6' in lieu of the required 35' setback. (see attached)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

City

Signature

Company

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Legal Owner(s):

Robin Z. Bush

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

2712 Springhill Rd
Owings Mills MD

Telephone No.

(410) 356-1636
21117

State

Zip Code

Representative to be Contacted:

Gerhold, Cross & Etzel, Ltd. - Michael Alexander

Name

320 E. Towson town Blvd.

(410) 823-4170

Address

Telephone No.

Towson

MD.

21286

City

State

Zip Code

Zoning Commissioner of Baltimore County

CASE NO. 05-356A

Reviewed By [Signature]

Date

1-13-05

Estimated Posting Date

1-23-05

REV 9/15/99

ORDER RECEIVED FOR FILING

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 2712 Spring Hill Road
Address
Owings Mills Maryland 21117-4311
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

The zoning of the property has been changed by Baltimore County 2004 Comprehensive Zoning Map Process Issue Number 2-066 from a D.R. 2 zone to an R.C. 2 zone. The principal building setbacks required in an R.C. 2 zone do not allow for the existing dwelling or the now requested addition. The zoning for the area has changed from residential to agricultural use. (see attached

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Robin Z. Bush
Signature
Robin Z. Bush
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

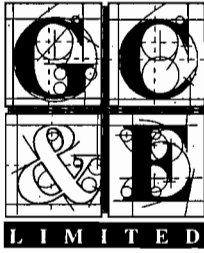
I HEREBY CERTIFY, this _____ day of _____, _____, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

1/7/2005
Date

Kona K. Plumley
Notary Public
My Commission Expires 4/19/2008



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

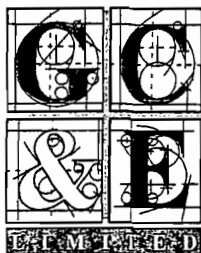
Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286

Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

Petition for a variance from Section 1A01.3.B.3 B.C.Z.R. (Baltimore County Zoning Regulations) to permit an existing single family dwelling with addition to have property line setbacks of six feet and ten feet and a street centerline setback of fifty-three feet in lieu of the required thirty-five feet and seventy-five feet respectively.

It is necessary to show the proposed addition in the sideyard in order to match the design of the house and avoid interference with the existing septic system in the rear of the house. The addition is necessary in order to meet the needs of my family.

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Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

January 6, 2005

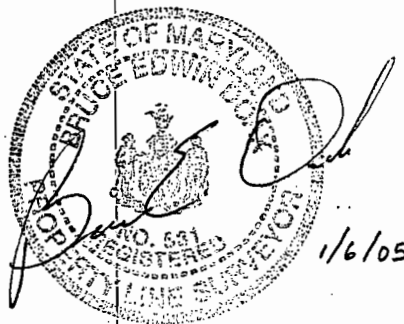
Zoning Description 2712 Spring Hill Road

All that piece or parcel of land situate, lying and being in the Third Election District of Baltimore County, Maryland and described as follows to wit:

Beginning for the same at a point 25' more or less south of a point in the centerline of Spring Hill Road 640' more or less along its centerline from its intersection with the centerline of Greenspring Valley Road, thence running, (1) North 7 degrees East 294 feet, (2) North 78 degrees 50 minutes West 79.25 feet, (3) South 7 degrees East 294 feet, and (4) South 78 degrees 50 minutes East 78.7 feet to the place of beginning.

Containing 0.53 Acres of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.



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BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Code No. 141304
05-356-A

DATE 1-13-05

ACCOUNT R-001-006-6150

AMOUNT \$ 65.00

RECEIVED FROM:

Robin E. Bush

FOR:

Administrative Personnel for
for 2712 Spring Hill Rd

PAID RECEIPT

BUSINESS: 01/14/05

DATE: 01/14/05

RECEIPT NO: 00000000000000000000

RECEIPT BY: [Signature]

RECEIPT FOR: [Signature]

RECEIPT FOR: [Signature]

RECEIPT FOR: [Signature]

RECEIPT FOR: [Signature]

RECEIPT FOR: [Signature]

RECEIPT FOR: [Signature]

RECEIPT FOR: [Signature]

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RECEIPT FOR: [Signature]

RECEIPT FOR: [Signature]

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

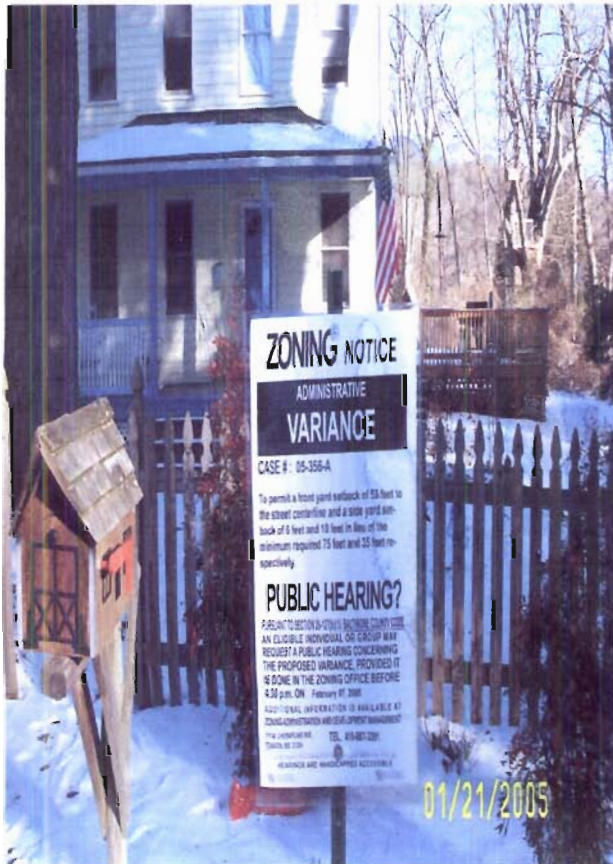
RE: CASE NO. 05-356-A
PETITIONER/DEVELOPER:
Robin Z. Bush
CLOSING DATE: 02/07/2005

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

LADIES AND GENTLEMEN:

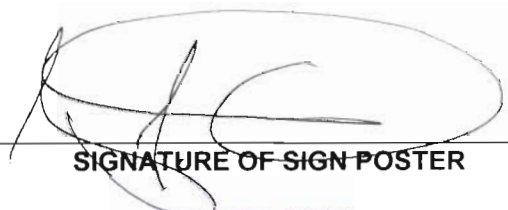
THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY
SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT



POSTED ON: January 21, 2005

LOCATION:

2712 Spring Hill Road


SIGNATURE OF SIGN POSTER

BRUCE DOAK

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320 EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

(see page 2 for full size print)

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE #: 05-356-A

To permit a front yard setback of 53 feet to the street centerline and a side yard setback of 6 feet and 10 feet in lieu of the minimum required 75 feet and 35 feet respectively.

PUBLIC HEARING?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON February 07, 2005

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

111 W. CHESAPEAKE AVE.
TOWSON, MD 21204

TEL. 410-887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL THE DATE, UNDER PENALTY OF LAW
HEARINGS ARE HANDICAPPED ACCESSIBLE

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 356 -A Address 2712 Spring Hill Rd.
Contact Person: John Sullivan Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 1-13-05 Posting Date: 1-23-05 Closing Date: 2-07-05

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 05- 356 -A Address 2712 Spring Hill Rd.
Petitioner's Name Robin Z. Bush Telephone _____
Posting Date: 1-23-05 Closing Date: 2-07-05
Wording for Sign: To Permit a front yard setback of 53 ft. to the street centerline and side yard setbacks of 6 ft. & 10 ft. in lieu of the minimum required 75 ft. & 35 ft. each respectively

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 05-356A

Petitioner: Robin Z Bush

Address or Location: 2712 Spring Hill Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Robin Z Bush

Address: 2712 Spring Hill Road

Owings Mills, Maryland 21117-4311

Telephone Number: (410) - 356 - 1636

**Department of Permits and
Development Management**

Development Processing
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

February 7, 2005

Robin Z. Bush
2712 Springhill Road
Owings Mills, Maryland 21117

Dear Ms. Bush:

RE: Case Number: 05-356-A , 2712 Spring Hill Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 13, 2005.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Michael Alexander Gerhold, Cross & Etzel 320 E. Towsontown Blvd Towson 21286

Visit the County's Website at www.baltimorecountyonline.info



Fire Department



700 East Joppa Road
Towson, Maryland 21286-5500
Tel: 410-887-4500



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

January 25, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: January 31, 2005

Item No.: 348, 349, 351, 353, 358

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Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Franklin J. Cook
Fire Marshal's Office
(O) 410-887-4881 (C) 443-829-2946
MS-1102F

cc: File



Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*



Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

Date: 1.21.05

Ms. Kristen Matthews
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 356 JJS

Dear Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: February 11, 2005

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

RECEIVED

FEB 11 2005

SUBJECT: 2712 Spring Hill Road

INFORMATION:

Item Number: 5-356

Petitioner: Robin Z. Bush

Zoning: RC 2

Requested Action: Administrative Variance

ZONING COMMISSIONER

The subject property is located within the Greenspring Valley National Register Historic District in the Chatolanee area, and is listed as BA 1689. The setback variance of 6 feet in lieu of the minimum required 35 feet is required for a proposed addition on the side of the existing frame dwelling. The addition encroaches on an existing 12-foot wide right-of-way that provides legal access to the Rembiszewski property to the north. The petitioner's engineer indicates that the easement is in the process of being extinguished and will be replaced by a 10-foot wide easement located along the western property line, which is currently the existing macadam driveway.

SUMMARY OF RECOMMENDATIONS:

The petitioner's request was forwarded to the Landmarks Commission for comments and to begin the preliminary landmark process. The Commission meeting was held on February 10, 2005 at 6pm. The Commission requested additional information and has scheduled the subject property for further review at the March 10, 2005 LPC meeting.

Please hold the case file open for this project until the review by the LPC is completed.

For further information concerning the matters stated herein, please contact Diana Itter with the Office of Planning at 410-887-3480.

Lyons Larkson

\\NCH_NW\VOL3\WORKGRPS\DEVREV\ZAC\5-356hold.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: February 9, 2005

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For January 31, 2005
Item Nos. 356

The Bureau of Development Plans Review has reviewed the subject-zoning items.

The minimum right-of-way for Spring Hill Road shall be 40-foot wide.

RWB:CEN:cp

cc: File

FACSIMILE

MILES & STOCKBRIDGE P.C.

To Bruce Doak

Fax no. 410-823-4473

Phone no. 410-823-4470

From Robin Z. Bush

Phone no. 410-385-3567

Date January 12, 2005

Time 2:40 PM

File no.

Pages including cover 9

Message Bruce - As we discussed yesterday, attached is a draft of the easement agreement I propose having my neighbors sign. Obviously, I need to get their real names and the deed reference where the easement is granted, but otherwise, unless you have any comments, this is it. Please call me to discuss - I assume you guys can do the plat described as Exhibit A, and a metes and bounds description of the new easement for Exhibit B.

Thanks,
Robin

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Confidentiality Notice - The information in this transmission is intended only for the individual or entity named above. It may be legally privileged and confidential. If you have received this information in error, notify us immediately by calling our operator at the number set forth below. Send the original transmission to us by mail. Return postage is guaranteed. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure, dissemination, distribution or copying of this communication or its contents is strictly prohibited. If you do not receive all pages or have any problems with receiving this transmission, please call Angie Ruppert at 410-385-3562.

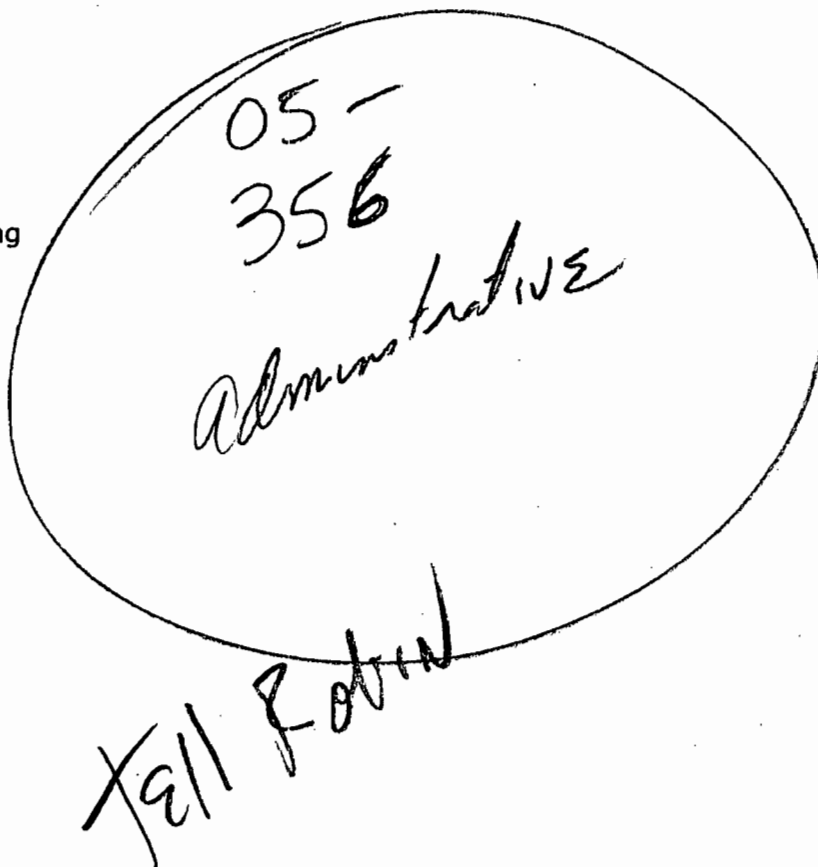
Bill Wiseman - Zoning Case 05-256, 2712 Spring Hill road

From: Lynn Lanham
To: Jameson, Roberta; Murphy, John; Schuhmann, Bette; Wiseman,
Date: 2/4/2005 4:21:26 PM
Subject: Zoning Case 05-256, 2712 Spring Hill road
CC: ditler; Jeff Long

Could you please hold the case open on this property? Don't process until you talk with us. There is a Landmark Preservation Commission meeting on Feb 10, 2005 at which time this project will be discussed.

Lynn Lanham
Chief, Development Review

Phone: 410-887-3480
Fax: 410-887-5862
Baltimore County Office of Planning
410 Bosley Ave, Suite 406
Towson, MD 21204



Baltimore County 2004 Comprehensive Zoning Map Process

Final Log of Issues

August 31, 2004

Issue Number	Owner, Petitioner	Location	Existing Zoning and Acres	Requested Zoning and Acres	Final Staff Recommendation	Planning Board Recommendations	County Council Decision	Comment
2-066	County Council	Northeast corner of Greenspring Valley Rd and Springhill Rd						
	DR 2		24.903	RC 2	24.903	RC 2	24.903	24.903
	Total		24.903	Total	24.903	Total	24.903	24.903
	County Council							
2-067	County Council	North of Charnal Rd, across from Jerome Jay Dr						
	RC 4		19.555	RC 7	19.562	RC 4	19.562	19.562
	RC 5		0.007	Total	19.562	Total	19.562	19.562
	Total		19.562					
2-068	County Council	West side of Falls Rd, North and South of Shawan Valley Rd						
	RC 4		6.584	RC 7	6.584	RC 4	6.584	6.584
	Total		6.584	Total	6.584	Total	6.584	6.584
	County Council							

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EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT (this "Agreement") is made as of the ____ day of January, 2005, by and among **ROBIN Z. BUSH** ("Bush") and _____ and _____ (collectively, "Ziggy").

INTRODUCTORY STATEMENT

A. Bush is the owner of the fee simple interest in that certain parcel of land located in Baltimore County as depicted on Exhibit A as designated Parcel ____, as shown on the plat attached hereto and incorporated herein by reference ("Parcel A").

B. Ziggy is the owner of the fee simple interest in that certain parcel of land located in Baltimore County, as depicted on Exhibit A as designated Parcel ____, as shown on the plat attached hereto and incorporated herein by reference ("Parcel B").

C. Bush and Ziggy are sometimes referred to herein as the "Owners" or as an "Owner." Parcel A and Parcel B are sometimes referred to herein as the "Parcels," or as a "Parcel."

D. Currently, Parcel A is burdened by a 12' wide access easement on the west side of Parcel A, granted in favor of Parcel B, as shown on Exhibit A and as granted in the Deed from _____ to _____, dated as of _____, recorded among the Land Records of Baltimore County, Maryland at Liber ____, folio ____ (the "Existing Easement"). Ziggy does not use, and in fact has never used, the Existing Easement for access to Parcel B. Instead, Ziggy accesses Parcel B by using a paved driveway that exists on the east side of Parcel A, as shown on Exhibit A.

E. Bush intends to build an addition to the residence located on Parcel A, that will encroach into the Existing Easement on the west side of Parcel A. In connection with building such addition, the parties desire to abandon and terminate the Existing Easement, and to grant a new access easement benefiting Parcel B, on the east side of Parcel A. The parties also intend herein to provide for certain obligations and restrictions with respect to the operation and maintenance of the new access easement granted over Parcel A. Such new access easement, obligations and restrictions shall run to the benefit of, and bind the respective Parcels and the owners from time to time of the Parcels or any portion thereof.

AGREEMENTS

NOW, THEREFORE, THIS AGREEMENT WITNESSETH: That in consideration of the premises and of other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto covenant and agree as follows:

1. Introductory Statement. The Introductory Statement set forth above is incorporated into this Agreement and is deemed to be a part hereof and not merely explanatory hereof or prefatory hereto.

2. Termination of Existing Easement. The Existing Easement is hereby terminated, extinguished and abandoned, and Parcel A shall no longer be burdened by such Existing Easement. Ziggy no longer claims any interest in the Existing Easement.

3. New Easement for Access.

(a) Attached hereto as Exhibit B and made a part hereof is a metes and bounds description of a non-exclusive easement (the "Easement Area") within the boundaries of Parcel A, which Easement Area is further depicted on Exhibit A. In consideration of the termination, extinguishment and abandonment of the Existing Easement, Bush hereby grants and conveys to Ziggy, for the benefit of Parcel B, a non-exclusive easement to, over, under and across the Easement Area for the purpose of ingress and egress to and from Parcel B.

(b) The existing paved driveway (the "Driveway") installed within the Easement Area shall be maintained, repaired and replaced at the expense of the Owners, as mutually agreed upon by the Owners. The Driveway surface shall be maintained in a state of repair comparable to the condition of the Driveway as of the date of this Agreement, ordinary wear and tear excepted.

4. Additional Beneficiaries. The right of way established in Section 3 of this Agreement shall extend to the benefit of Ziggy, their successors and assigns, any subsequent owners of Parcel B and the tenants, servants, employees, agents, visitors, invitees and contractors of the owner of Parcel B (collectively, the "Benefited Parties").

5. Restrictions on Parcels. Each Owner and each of the Benefited Parties shall not obstruct the free flow of traffic and access to and from the Parcels.

6. Right of Entry. In addition to the easement granted by Bush to Ziggy pursuant to this Agreement, the Owners hereby grant, convey and reserve for the benefit of the other Owners the right to enter upon the Easement Area for the purpose of performing the obligations imposed upon the Owners in accordance with this Agreement.

7. Right to Cure. In the event an Owner fails to perform any of the obligations imposed upon it hereunder, and such failure continues for more than fifteen days after written notice thereof to such Owner, then the other Owner shall have the right, but not the obligation, to cure such failure, and all costs and expenses incurred in connection with any such cure shall be paid promptly by the defaulting Owner upon written demand therefor by the curing Owner.

8. Default. Subject to Section 7, in the event of a default by an Owner of any of its obligations hereunder, the other Owner shall have the right, after not less than 15 days prior written notice to the defaulting Owner, to pursue any and all remedies as may be available to it,

including, but not limited to, the right to apply to a court of competent jurisdiction for an injunction or for a decree of specific performance.

9. Covenants Running With the Land; Successors and Assigns. The easements, rights, covenants and agreements granted or otherwise made pursuant to this Agreement shall be deemed to be covenants running with the land, shall benefit the Owners and their respective successors, heirs, personal representatives and assigns and shall be perpetual in nature. Upon any conveyance of a Parcel or a portion of a Parcel by an Owner, such Owner shall thereafter be relieved of all liabilities and obligations hereunder pertaining to the Parcel or the portion of the Parcel accruing after the date of the conveyance.

10. Maryland Law. This Agreement shall be construed in accordance with and governed by the laws of the State of Maryland.

11. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original, but all of which shall constitute one instrument.

12. Captions. The captions set forth in this Agreement for each Section are for convenience only and shall not be construed as defining or limiting the scope or intent of any provision hereof.

13. Invalidity. If any term or provision of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable in any respect, the remaining terms and provisions of this Agreement shall not be affected thereby, and all such remaining terms and provisions shall continue in full force and effect, to the fullest extent permitted by law.

14. No Merger. The easements and other rights created pursuant to this Agreement shall not be merged or extinguished now or in the future by any common ownership of the property benefited and burdened thereby.

15. No Changes. This Agreement shall not be changed, modified, amended, terminated or discharged except pursuant to a written agreement signed by the Owners of the Parcels and recorded among the Land Records of Baltimore County, Maryland. No waiver of any provision of this Agreement shall be effective unless set forth in a written agreement signed by the party against whom such waiver is to be enforced.

16. Notices. Any notices required to be sent to a party hereof shall be sent by certified mail, return receipt requested, or delivered by hand, to a party at its address as shown among the property tax records of Baltimore County, Maryland.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties hereto have signed and sealed this Agreement as of the day and year first written above.

WITNESS:

Bush

ROBIN Z. BUSH (SEAL)

Ziggy

(SEAL)

(SEAL)

STATE OF _____, OF _____, TO WIT:

I HEREBY CERTIFY, that on this ____ day of _____, 200_, before me, a Notary Public of said State, personally appeared ROBIN Z. BUSH, known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing instrument and acknowledged that she executed the same for the purposes and in the capacity therein set forth.

WITNESS my hand and Notarial Seal.

Notary Public

Notary Public

My Commission Expires:

BALTO1:907015-1000001-001466|1/12/2005

STATE OF _____, OF _____, TO WIT:

I HEREBY CERTIFY, that on this ____ day of _____, 200_, before me, a Notary Public of said State, personally appeared _____, known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing instrument and acknowledged that she executed the same for the purposes and in the capacity therein set forth.

WITNESS my hand and Notarial Seal.

Notary Public

My Commission Expires:

STATE OF _____, COUNTY OF _____, TO WIT:

I HEREBY CERTIFY that on this ____ day of _____, 200_, before me, a Notary Public for the aforesaid State, personally appeared _____, known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing instrument, who acknowledged that he executed such instrument for the purposes and in the capacity therein set forth.

WITNESS my hand and Notarial Seal.

Notary Public

My Commission Expires:

ATTORNEY'S CERTIFICATION

I hereby certify that the foregoing instrument was prepared by or under my supervision and that I am an attorney licensed to practice law in the State of Maryland.

Craig A. Enck, Esquire

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BALTO1:907085v1|000001-001466|1/12/2005

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FUNK & BERNSTEIN

ATTORNEYS AT LAW

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mmccann@fblaw.com

John V. Murphy
Deputy Zoning Commissioner
Office of the Zoning Commissioner
401 Bosley Avenue, 4th Floor
Towson, Maryland 21204

Re: Administrative Variance
2712 Spring Hill Road
Case No.: 05-356

Dear Mr. Murphy:

I represent the property owner, Robin Bush, in the above-referenced matter. Ms. Bush hereby withdraws, without prejudice, her petition for administrative variance.

Thank you for your consideration. Please contact me if you have any questions.

Respectfully,

Michael R. McCann

ASSOCIATES
HUGH M. BERNSTEIN
PETER C. ISMAY*
MICHAEL P. CUNNINGHAM*
ALAN NOCHUMSON*
CHERYL A. C. BROWN
HISHAM M. AMIN
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OF COUNSEL
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GARY C. HARRIGER
DONNA B. IMHOFF
DEBORAH R. RIVKIN
JOHN R. STIERHOFF
JOSEPH B. TETRAULT
PAULINE K. WHITE

ADMITTED IN MARYLAND EXCEPT AS OTHERWISE NOTED

* ALSO ADMITTED IN DISTRICT OF COLUMBIA

* ALSO ADMITTED IN VIRGINIA

* ADMITTED IN PENNSYLVANIA AND NEW JERSEY ONLY

March 1, 2005

RECEIVED

MAR - 2 2005

ZONING COMMISSIONER

MRM/kjg

Enclosure

cc: Robin Bush
Timothy Dugan, Office of Planning
Kimberly Abe, Office of Planning

83009.001:80894

ORDER RECEIVED FOR FILING

3/2/05
Reg
Jat
By



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2712 (7).JPG



2712 (8).JPG



2712 (9).JPG



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SITE

356



1. OWNER, ROBIN Z. BUSH
2712 SPRINGS HILL ROAD
OWINGS MILLS MD, 21117-4311
2. TAX ACCOUNT NO. 03-03-025220
3. TITLE DEED LIBER S.M. NO. 12944 FOLIO 208
TOTAL AREA = 0.53 AC.*
4. THE PROPERTY IS ZONED R.C. 2
5. 200' SCALE ZONING MAP NO. NN 10-F
6. THE BOUNDARY SHOWN HEREON IS FROM THE TITLE DEED,
A BOUNDARY WAS NOT PERFORMED BY GERHOLD CROSS & ETZEL LTD.
7. FEATURES SHOWN HEREON WERE FIELD LOCATED NOVEMBER 16, 2004.
8. CENSUS TRACT 4037.012 REGIONAL PLANNING DISTRICT 913
WATERSHED JONES FALLS SUBWATERSHED 61 N
SCHOOL DISTRICT: ELEMENTARY - OWINGS MILLS E.S.;
MIDDLE - PIKEVILLE M.S.;
HIGH - OWINGS MILLS H.S.
A.D.C. MAP & GRID 25 C5
9. THIS SITE IS SERVICED BY PRIVATE WATER AND SEWER.
10. THIS SITE IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.
11. NO PRIOR ZONING CASES.
12. THE EXISTING DECK IS TO BE REMOVED AND REPLACED BY AN ADDITION.
13. THE 12' RIGHT OF WAY SHOWN HEREON WAS NEVER UTILIZED AND WILL BE EXTINGUISHED,
AND A 10' RIGHT OF WAY EASEMENT WILL BE ESTABLISHED UTILIZING THE EXISTING DRIVE.

FOR AN ADMINISTRATIVE VARIANCE FROM SECTION 1A01.3.B.3 BCZR TO PERMIT AN EXISTING SINGLE FAMILY DWELLING WITH ADDITION TO HAVE PROPERTY LINE SETBACKS OF 6' AND 10' AND A STREET CENTERLINE SETBACK OF 53' IN LIEU OF THE REQUIRED 35' AND 75' RESPECTIVELY.

2712 SPRING HILL ROAD
Deed Ref: S.M. No. 12949 FOLIO 208
Tax Account No.: 03-03-025220
Zoned: R.C. 2 MAP NW 10-F
Tax Map 68: Grid I; Parcel 461 (P.499)

3rd ELECTION DISTRICT
2nd COUNCILMANIC DISTRICT
SCALE: 1"=20' DATE: JANUARY 6, 2005

Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

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		320 East TONSONDAH Boulevard Towson, Maryland 21286 (410) 823-4470		
REVISED PETITION NOTE AND RIGHT OF WAY NOTE	01-11-2005			
REVISION	DATE	PLOT DATE: 1/13/2005	TECHNICIAN: M.E.A.	FILE NAME: X:\Bush-SpringHill\ZONING.pr